

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 160-170 are pending. Claims 160-169 have been amended. Claims 1-159 have been cancelled by prior amendment.

Restriction/Election of Species

Pursuant to 35 U.S.C. §121 all pending claims are subject to an outstanding Restriction Requirement, as well as the requirement that Applicants elect a single disclosed species for purpose of initial examination. In view of Applicants' Response mailed December 21, 2004, the Examiner considers the elected invention for search and examination to be as listed on pages 2-3 of the March 31st Office Action, to which the pending claims have now been restricted.

More specifically, Applicants have amended independent claim 160 to recite that R₁ and R₂ taken together form an optionally substituted morpholinyl moiety. Dependent claim 168 has similarly been amended to recite that R₁ and R₂ taken together form morpholinyl, while claim 169 has been amended by exclusion of compounds that do not fall within the amended scope of claim 160 (*i.e.*, that do not contain morpholinyl at the R₁/R₂ position).

Claims Objections

Claims 160-170 stand objected as containing non-elected subject matter. In view of the amendments to claims 160, 168 and 169 noted above, Applicants request that this ground of objection be withdrawn.

In addition, claim 160 stands objected for lack of the word "and" between structures (VII) and (VIII). Applicants have amended claim 160 in the manner suggested, and requests that this ground of objection also be withdrawn.

Although not requested by the Examiner, Applicants have also amended claims 160-168 by omitting, as redundant, the phrase "independently at each occurrence" following the initial "wherein" clause. Claim 165 has also been amended to define the R₈ and R₉ groups in the context of claim 160 (as opposed to canceled claim 49).

Allowable Subject Matter

On page 4 of the March 31st Office Action, the Examiner states that the subject matter now recited in the amended claims "would appear allowable over the prior art of record." Applicants agree with this statement and request that the pending claims, as amended, be passed to issuance.

Information Disclosure Statement

Lastly, attached to the March 31st Office Action are the signed pages of the Form PTO-1449 that Applicants had previously submitted, indicating the Examiner's consideration of the listed references. However, some of these listed references had been "crossed-off" by the Examiner for failure to identify a date of publication. Accordingly, Applicants submit herewith a further IDS including a Form PTO-1449 listing those references that had been previously crossed-off (as well as copies of the corresponding references), and further including the appropriate publication dates. Applicants respectfully request that these references now be considered, and that the attached Form PTO-1449 be initialed to indicate consideration of the same.

In view of the above amendments and remarks, allowance of claims 160-170 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further matter require attentions, the Examiner is respectfully requested to contact the undersigned to resolve the same.

Respectfully submitted,

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